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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,252	04/20/2000	Steven S. Alterman	CM03022J	5431

7590

08/28/2002

Attn James A Lamb
Motorola Inc
Intellectual Property Section
8000 West Sunrise Boulevard
Fort Lauderdale, FL 33322

EXAMINER

NGUYEN, DAVID Q

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 08/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/553,252

Applicant(s)

ALTERMAN ET AL.

Examiner

David Q Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/20/2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fumarolo et al. (US Patent Number 6204844) in view of Mysore (US Patent Number 6304558).

Regarding claim 1, Fumarolo disclose a method for establishing a dynamic talk group in a radio communication system having a plurality of radios comprising the steps of: (a) selecting a set of target radios from amongst the plurality of radios by a dynamic group call originator (see abstract; see col. 9, lines 52-67; fig. 1); (b) transmitting a message from the dynamic group call originator to each of the set of target radios (see col. 9, lines 60-67); and (c) causing the target radios and the dynamic group call originator to establish a dynamic talk group where the dynamic group call will take place (see col. 9, lines 53-67; col. 10, lines 1-15). Fumarolo are silent to disclose each radio having a unique Internet Protocol (IP) address and transmitting message from the dynamic group call originator to each target radio whose IP address match those radios selected in step (a). However, Fumarolo disclose transmitting message from the dynamic group call originator to each target radio according with communication protocols of the particular communication system (see col. 9, lines 60-65). And Mysore discloses a method for providing dispatch service to dispatch clients via a packet-switched network with IP address (see col. 6, lines 55-65). Therefore, it would have been obvious to one of ordinary skill in the art

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at the time the invention was made to provide the above teaching of Mysore to Fumarolo so that a group of users, some with radio-telephones and others, dispatch clients, with computers connected to the internet from anywhere in the world, could communicate as a group just as groups of radio-telephone users do.

Regarding claim 2, Fumarolo disclose a method for establishing a dynamic talk group in a radio communication system having a plurality of radios modified by Mysore comprising all of the limitations as claimed. Fumarolo also disclose the dynamic group call originator comprising a radio from amongst the plurality of radios located in the radio communication system (see abstract and fig. 1)

Regarding claim 3, Fumarolo disclose a method for establishing a dynamic talk group in a radio communication system having a plurality of radios modified by Mysore comprising all of the limitations as claimed. Mysore discloses a method for providing dispatch service to dispatch clients via a packet-switched network with IP address (see col. 6, lines 55-65). It is apparent that the message transmitted to each of the target radios in step (b) comprises a packet data message. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Mysore to Fumarolo so that a group of users, some with radio-telephones and others, dispatch clients, with computers connected to the internet from anywhere in the world, could communicate as a group just as groups of radio-telephone users do.

Regarding claim 7, Fumarolo disclose a method for establishing a dynamic talk group in a radio communication system having a plurality of radios modified by Mysore comprising all of the limitations as claimed. Fumarolo and Mysore are silent to disclose at least one of the target radios in response to the step (b) transmits a message to the dynamic group call originator

informing it that it is not available to participate in the dynamic talk group. However, it would have been obvious to one of ordinary skill in the art at the time that at least one of the target radios in response to the step (b) transmits a message to the dynamic group call originator informing it that it is not available to participate in the dynamic talk group allow the dynamic group call originator to track which radios that had been selected will participate in the dynamic talk group call.

Regarding claim 8, Fumarolo disclose a method for establishing a dynamic talk group in a radio communication system having a plurality of radios comprising the steps of: (a) selecting a first target radio and a second target radio from amongst the plurality of radios by a dynamic group call originator (see abstract; see col. 9, lines 52-67; fig. 1); (b) transmitting a first message from the dynamic group call originator to the first target radio and a second message to the second target radio (see col. 9, lines 60-67); and (c) causing the first and second target radios and the dynamic group call originator to establish a dynamic talk group where the dynamic group call will take place once the dynamic group call originator has transmitted the first and second message (see col. 9, lines 53-67; col. 10, lines 1-15). Fumarolo are silent to disclose each radio having a unique Internet Protocol (IP) address and transmitting message from the dynamic group call originator to each target radio whose IP address match those radios selected in step (a). However, Fumarolo disclose transmitting message from the dynamic group call originator to each target radio according with communication protocols of the particular communication system (see col. 9, lines 60-65). And Mysore discloses a method for providing dispatch service to dispatch clients via a packet-switched network with IP address (see col. 6, lines 55-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

was made to provide the above teaching of Mysore to Fumarolo so that a group of users, some with radio-telephones and others, dispatch clients, with computers connected to the internet from anywhere in the world, could communicate as a group just as groups of radio-telephone users do.

Regarding claims 9-11, Fumarolo disclose a method for establishing a dynamic talk group in a radio communication system having a plurality of radios modified by Mysore comprising all of the limitations as claimed. Fumarolo also disclose the dynamic group call originator comprises a communication device coupled to the radio communication system (see col. 9, lines 53-67; col. 10, lines 1-15 and fig. 1); the communication device comprises a computer coupled to the communication system via a communication network (see col. 7, lines 9-51); and the dynamic group call originator comprises a radio amongst the plurality of radios located in the radio communication system (see col. 9, lines 53-67; col. 10, lines 1-15 and fig. 1).

2. Claims 4-6 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fumarolo et al. (US Patent Number 6204844) in view of Mysore (US Patent Number 6304558) and further in view of Grube (US Patent Number 5058199).

Regarding claims 4-6, Fumarolo disclose a method for establishing a dynamic talk group in a radio communication system having a plurality of radios modified by Mysore comprising all of the limitations as claimed. Fumarolo and Mysore are silent to disclose step (d) transmitting an acknowledgement message to the dynamic group call originator from each of the target radios that successfully received the message transmitted in step (b); (e) transmitting a dynamic talk group disconnect message by the dynamic call originator to the target radios; and disconnecting the target radios from the dynamic group call in response to the step (e). However, Grube discloses step (d) transmitting an acknowledgement message to the dynamic group call originator

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from each of the target radios that successfully received the message transmitted in step (b); (e) transmitting a dynamic talk group disconnect message by the dynamic call originator to the target radios; and disconnecting the target radios from the dynamic group call in response to the step (e) (see col. 3, lines 18-68; col. 4, lines 1-68; col. 5, lines, 1-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Grube to Mysore and Fumarolo in order to allow the dynamic group call originator to track which radios that had been selected will participate in the dynamic talk group call.

Regarding claims 12-16, Fumarolo disclose a method for establishing a dynamic talk group in a radio communication system having a plurality of radios modified by Mysore comprising all of the limitations as claimed. Fumarolo and Mysore are silent to disclose (d) disconnecting the dynamic talk group; wherein the step (d) is performed by the dynamic group call originator transmitting disconnect message to each of the first and second target radios; and the system controller sending disconnect message to each of the first and second target radios and the dynamic group call originator; the system controller sends the disconnect message when it determines that the dynamic group call has exceeded a predetermined period of time; and the system controller sends the disconnect message when it determines that a predetermined period of time has elapsed without any communication activity occurring in the dynamic talk group. However, Grube discloses (d) disconnecting the dynamic talk group; wherein the step (d) is performed by the dynamic group call originator transmitting disconnect message to each of the first and second target radios; and the system controller sending disconnect message to each of the first and second target radios and the dynamic group call originator; the system controller

sends the disconnect message when it determines that the dynamic group call has exceeded a predetermined period of time; and the system controller sends the disconnect message when it determines that a predetermined period of time has elapsed without any communication activity occurring in the dynamic talk group (see col. 3, lines 18-68; col. 4, lines 1-68; col. 5, lines, 1-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Grube to Mysore and Fumarolo in order to allow the dynamic group call originator to track which radios that had been selected will participate in the dynamic talk group call.

Conclusion

3. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Nguyen Q. David whose telephone number is (703) 605-4254. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703)308-6739. The fax numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for all communications.

DN
David Q. Nguyen

nguyent
8/25/02

**NGUYENT.VO
PRIMARY EXAMINER**